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5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA

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8 RICOH CO., LTD., No. C-03-4669 MJJ (EMC)  
9 Plaintiff,

10 v. ORDER RE PLAINTIFF'S MOTION  
11 AEROFLEX, *et al.*, FOR SANCTIONS  
12 Defendants. (Docket No. 358)

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15 The hearing on the motion is continued until May 3, 2006. The parties shall meet and confer  
16 to resolve this dispute. As stated in open court, the Court provides the following guidance. The  
17 disclosure of the disputed ASICs should be informed by the liberal rules of discovery. As to the  
18 disclosure of commercial ASICs, "commercial" should be broadly construed. Ricoh's proposed  
19 definition as including all ASICs synthesized using Design Compiler and for which Defendants  
20 received any revenue between 1997 and the present appears reasonable. As to AMI, it is not  
21 unreasonable to require that ASICs synthesized by subsidiaries and business units controlled by  
22 AMI be disclosed. Aeroflex, et al. should be prepared to produce the disclosures and related  
23 documents in June and the parties should complete associated depositions by the first week of June  
24 in order to comply with the expert disclosure and other ensuing deadlines. The Court is disinclined  
25 to recommend the issue and evidentiary sanctions requested by Ricoh provided the Aeroflex  
26 defendants cooperate in stipulating to prompt disclosures and discovery.

27 The meet and confer may commence with telephonic discussions between lead partners. If  
28 complete resolution is not reached, the lead partners shall meet and confer in person at an agreed

1 upon location. The non-traveling party shall pay for the reasonable transportation costs of the  
2 traveling party. The parties are ordered to engage in diligent and good faith negotiations.

3 The parties shall notify the Court by April 28, 2006 as to any stipulation reached and what, if  
4 anything, remains in dispute. Given the guidance provided by the Court, the Court fully expects this  
5 dispute to be resolved through the meet and confer process. Should the Court conclude that any  
6 party is engaged in bad faith in these negotiations, it will impose sanctions.

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8 IT IS SO ORDERED.

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10 Dated: April 19, 2006

  
11 EDWARD M. CHEN  
12 United States Magistrate Judge